

CLAIM AMENDMENTS

IN THE CLAIMS

This listing of the claims will replace all prior versions, and listing, of claims in the application or previous response to office action:

1. (Original) An isolated nucleic acid comprising a promoter having a sequence of SEQ ID NO:1, wherein the promoter has stem-specific promoter activity.
2. (Currently Amended) An isolated nucleic acid comprising a promoter having a sequence at least **60 98%** homologous with SEQ. ID. NO. 1, wherein the promoter has stem-specific promoter activity.
3. (Currently Amended) An isolated nucleic acid comprising a JAS promoter having a sequence at least **60 98%** homologous with SEQ. ID. NO. 1 and an exogenous nucleic acid, wherein the JAS promoter is operable to drive stem-specific expression or transcription of the exogenous nucleic acid.
4. (Previously Presented) The nucleic acid of Claim 3, wherein the JAS promoter is further operable to drive upregulated stem-specific expression or transcription in the presence of a defense-inducing agent.
5. (Currently Amended) An expression vector comprising, in a 5' to 3' direction:
a JAS promoter having a sequence at least **60 98%** homologous with SEQ. ID. NO. 1;
an exogenous nucleic acid; and
a 3' termination sequence,
wherein the JAS promoter has stem-specific promoter activity.

6. (Original) The expression vector of Claim 5, wherein the exogenous nucleic acid comprises a transgene.

7-56. (Cancelled)

57. (Previously Presented) An isolated nucleic acid comprising a JAS promoter having a sequence of SEQ. ID. NO. 1 and an exogenous nucleic acid, wherein the JAS promoter is operable to drive stem-specific expression or transcription of the exogenous nucleic acid.

58. (Previously Presented) The nucleic acid of Claim 57, wherein the JAS promoter is further operable to drive upregulated stem-specific expression or transcription in the presence of a defense-inducing agent.

59. (Previously Presented) An expression vector comprising, in a 5' to 3' direction:

a JAS promoter having a sequence of SEQ. ID. NO. 1;
an exogenous nucleic acid; and
a 3' termination sequence,
wherein the JAS promoter has stem-specific promoter activity.

60. (Previously Presented) The expression vector of Claim 59, wherein the exogenous nucleic acid comprises a transgene.

61. (Previously Presented) A bacterial cell comprising an expression vector having:

a JAS promoter having a sequence of SEQ. ID. NO. 1;
an exogenous nucleic acid; and
a 3' termination sequence,
wherein the JAS promoter has stem-specific promoter activity.

62. (New) The expression vector of Claim 5, wherein the expression vector is located in a bacterial cell.

63. (New) An isolated nucleic acid comprising a promoter having a fragment of sequence of SEQ ID NO:1 which is capable of stem-specific promoter activity, wherein the JAS promoter has stem-specific promoter activity.

64. (New) An isolated nucleic acid comprising a JAS promoter having a fragment of sequence of SEQ ID NO:1 which is capable of stem-specific promoter activity and an exogenous nucleic acid, wherein the JAS promoter is operable to drive stem-specific expression or transcription of the exogenous nucleic acid.

65. (New) The nucleic acid of Claim 64, wherein the JAS promoter is further operable to drive upregulated stem-specific expression or transcription in the presence of a defense-inducing agent.

66. (New) An expression vector comprising, in a 5' to 3' direction:
a JAS promoter having a fragment of sequence of SEQ ID NO:1 which is capable of stem-specific promoter activity;
an exogenous nucleic acid; and
a 3' termination sequence,
wherein the JAS promoter has stem-specific promoter activity.

67. (New) The expression vector of Claim 66, wherein the exogenous nucleic acid comprises a transgene.

68. (New) The expression vector of Claim 6, wherein the expression vector is located in a bacterial cell.